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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/414,951

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MICHAEL A. ARKES

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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
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EXAMINER

KYLE, CHARLES R

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MAY 08 2008

Drinker Biddle & Reath, LLP
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191 N. Wacker Drive, Suite 3700
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TECHNOLOGY CENTER 3600

In re Application of: : **DECISION ON PETITION**
Michael A. Arkes : **UNDER 37 CFR 1.181**
Application No.: 09/414,951 :
Filed: October 8, 1999 :

For: INCENTIVE POINTS REDEMPTION
PROGRAM CARRIED OUT VIA AN ON-LINE
AUCITON

This is in response to the petition filed on June 13, 2005 under 37 CFR 1.181 for review of the finding by Examiner that the Rule 131 Declaration filed December 3, 2004 is insufficient for demonstrating the conception and reduction to practice of the claimed invention as recited in at least claims 1 and 6-20 prior to the July 14, 1999 of U.S. Patent No. 6,178,408 to Copple et al. Petitioner respectfully submits that the previously-filed Rule 131 Declaration meets all of the requirements set forth in 37 C.F.R. § 1.131 and, therefore, is sufficient for antedating the Copple et al. patent. The delay in treating this petition is sincerely regretted.

Because a review on the merits of a 37 CFR 1.131 affidavit is by appeal to the Board of Patent Appeals and Interferences and is not petitionable, the above noted petition is Dismissed as Moot. See MPEP 715.08.

The petition is **DISMISSED as MOOT**.

Questions concerning this decision should be referred to SPE Jim Trammell at 571-272-6712.

Kathryn Malecki
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Jt/snm: 4/28/08



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